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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/330,743

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BRIAN BUCHANAN

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09/21/2004

IBM CORPORATION

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RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

QURESHI, AFSAR M

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,743

Applicant(s)

BUCHANAN ET AL.

Examiner

Afsar M Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to amendment and RCE received on June 23, 2004.
New claim 26 is added as requested.

2. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

3. Claims 20 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley et al. (US Patent No. 5034908) in view of Pocrass (US Patent No. 5428806).

Regarding claims 20 - 23, Hartley discloses a system with recovery circuits and an alignment correction with serial and parallel bit streams and a latch for word (Figures 17-25, 26b) and a plurality of multiplexers 30-33 using the latch command (Col 29, lines 5-10) and (Figure 10) where the number of parallel sets of storage devices is four (Figure 10) 34-37 and a memory or storage device delay elements attached to the multiplexers (34-37) (Figure 10) and a plurality of multi-bit latches serially connected, 19 (Figures 11 and 12) 79 (Figure 17) and 94 (Figure 18) and a processor 57 (Figure 13). Hartley does not expressly disclose a controller and a bit pattern of 0101.

Pocrass discloses a system of transmitting and receiving with 3-bit latches (figure 613) and an arrangement with 4 data lines (Col 11, lines 13-16) and the use of memory to store data that had undergone a serial to parallel conversion for bit streams of data word types (Col 9, lines 45-50), where the bit word pattern 0101 is from a list of binary

representations for the fourteen slots in the hardware device respectively one being 0101, (Col 19, 34-55) and a controller 142 (Figure 6A) used to control the accessing of memory.

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to have included the use of a bit pattern, as disclosed by Pocrass, into the invention as disclosed by Hartley.

One of ordinary skill in the art would have been motivated to do this in order to represent the number five as a value associated with an element of the references as five is a small enough value to be included in a table of values counting up to fourteen and to include a controller for easy access to stored data patterns.

Response to Arguments

4. Applicant's arguments filed on June 23, 2004 have been fully considered but they are not persuasive.

Claims 20-23 remain rejected based on the previous rejection. As discussed over the phone (September 17, 2004 - see Interview Summary), the arguments presented in the REMARKS (06/23/2004) are not directed to any specific limitation (or limitations) that are not addressed in the rejection of the claims or not found in the prior art of record. The Examiner believes that the circuit arrangements set forth in claims 20-23, in its broadest term, are found in the prior art as discussed in above said rejection.

The rational to modify or combine the art does not have to be expressly stated in the prior art; the rational may expressly or impliedly be reasoned from knowledge

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generally available to one of ordinary skill in the art, established scientifically principles or legal precedent established by prior case laws: In re Fine, 837 F.2d 1071, 5USPQ2d1596 (Fed. Cir. 1988) and ExParte Levengood, 28 USPQ2d 1300.

Allowable Subject Matter

5. Claims 11-19 and 24-26 are allowed over prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AFSAR QURESHI
PATENT EXAMINER
September 17, 2004